

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|-------------------------------|---|--------------------|
| UNIVERSAL ENERGY PLUS LLC |) | |
| |) | |
| Plaintiff, |) | |
| vs. |) | NO. CIV-11-1441-HE |
| |) | |
| GREEN OIL OPERATING OKLAHOMA, |) | |
| LLC, et al., |) | |
| |) | |
| Defendants. |) | |


ORDER

Plaintiff originally filed this action in Oklahoma state court on December 13, 2010, asserting claims against defendants based upon state tort law and the Racketeering Influenced Corrupt Organizations Act, 18 U.S.C. § 1961, et seq. (“RICO”). The federal RICO claim was pled in the original petition and the action was then subject to removal based on federal question jurisdiction. *See* 28 U.S.C. §§ 1331, 1441(a). Consequently, defendants’ 30-day removal window expired in January 2011. *See id.* § 1446(b). The fact the action was consolidated with another state court action and then subsequently unconsolidated is of no consequence because this action—as initially filed—was removable. *See id.* Plaintiff’s motion to remand [Doc. #5], to which defendants have not responded, is **GRANTED**. As the removal was plainly unfounded, the court concludes plaintiff should recover its reasonable costs and attorneys fees incurred as a result of the removal. *See* 28 U.S.C. § 1447(c). The parties are directed to confer and reach agreement as to the amount of costs/fees if possible. If agreement is not reached, plaintiff shall file its motion for determination of the cost/fees amount by January 14, 2012. The court retains limited

jurisdiction for the sole purpose of determining the amount of costs/fees. Subject to that reservation, this case is immediately **REMANDED** to the District Court of Lincoln County, Oklahoma. The clerk of court is directed to mail a certified copy of this order to the court clerk of the Oklahoma court forthwith.

IT IS SO ORDERED.

Dated this 10th day of January, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE